

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/23/2024

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MARIANNA ROSEN,

Plaintiff,

-v-

AMAZON.COM INC., *et al.*,

Defendants.
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1:24-cv-02673-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

Plaintiff commenced this action on April 9, 2024, alleging that she suffered severe injury from a defective stationary bicycle purchased from Defendants. Dkt. No. 1 ¶¶ 7–14 (“*Compl.*”).

On April 11, 2024, the Court ordered Plaintiff to show cause why this action should not be transferred to the Eastern District of New York pursuant to 28 U.S.C. § 1406(a). Dkt. No. 5; *see also* 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”). The Court noted that Plaintiff resides in Brooklyn, NY and suffered the alleged injury in her home. Dkt. No. 5. Although Plaintiff asserts that venue is proper in this district “as the events giving rise to this claim occurred within the Southern District of New York,” *Compl.* ¶ 6, the Court noted that Plaintiff’s residence—and site of injury—is, in fact, located in the Eastern District of New York. *See* 28 U.S.C. § 112(c) (“The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk . . .”).

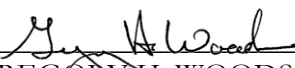
On April 23, 2024, Plaintiff submitted a letter consenting to the transfer of this action to the Eastern District of New York. Dkt. No. 8. Given Plaintiff’s consent, and because venue does not lie in this District and the interest of justice weighs in favor of transferring the case to the district

that encompasses the court identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the Eastern District of New York.

The Clerk of Court is directed to transfer this case to the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on all Defendants and to retain proof of service.

SO ORDERED.

Dated: April 23, 2024



GREGORY H. WOODS
United States District Judge